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REPORT TO PLANNING COMMITTEE

OFFICIAL PLAN AMENDMENT 12

NATURAL ENVIRONMENT AREAS

Introduction

In October 1982 the Ontario Municipal Board issued its decision on Amendment 12 to the Regional Official Plan dealing with the Natural Environment Areas. The Board did not approve the amendment and said it "expects" Regional Council to submit an amendment by 1st May 1983.

This report recommends a replacement text for Amendment 12 for Planning Committee's consideration. The report discusses the intent for the Natural Environment Areas, the implications of the OMB decision, recommends a policy approach and discusses how this could apply to each of the Natural Environment Areas.

The Intent for the Natural Environment Areas

The designation of Natural Environment Areas is part of a comprehensive approach to designating different "resource areas" in the rural parts of the region with the intent that the land might be used according to the values the community places upon it having regard to its physical characteristics. The other designations are: Agricultural Resource, Mineral Resource, Marginal Resource and Hazard Land. Policies for each of these areas differ but each reflects the natural characteristics of the particular area. For example policies for Hazard Land - land physically unsuitable for building - are very restrictive and do not permit building on lots of record. On the other hand the Marginal Resources Areas which do not have a particular resource value permit agriculture, forestry, open air recreation, country lots (minimum 2 acres), commercial, industrial and mineral extraction. In Agricultural and Mineral Resources Areas fewer uses are permitted than in Marginal Resource Areas so that the resource is not lost. The policies of the official plan are that the uses permitted in each "resource" area should enable the natural resources to be protected and used where appropriate. In Natural Environment Areas the protection of the resource is important and uses which generally do not deplete the resource are permitted e.g. farming, forestry, passive outdoor recreation and nature study.

The Natural Environment Areas are lands which are special in Ottawa-Carleton because of their wildlife, vegetational, topographic, geological or scenic features and were given a separate designation when Council adopted the Regional Official Plan in 1974. The intent of this designation is perhaps best summed up in the following quotation from the 1974 Official Plan.

"In many cases, the intent behind the "(Natural Environment Area)" designation will be adequately met if the land remains essentially in its present state so that the present activities can continue without interruption."

In other words, given the overall objective of protecting the various natural features, uses similar to those going on in 1974 should be permitted, which means only very limited development should take place. This comes to the nub of the issue raised by the OMB and discussed below - the degree to which land use controls as opposed to acquisition can be used to protect the Natural Environment Areas. If the land use controls that the Board will accept cannot guarantee long term protection, Council can only achieve its objectives by following a policy of acquisition.

Evolution of Acquisition Policies

In 1969, when it was created RMOC took over approximately 600 acres of land in Marlborough (now Rideau) Township, being assets of Carleton County. Until October 1974 the Council continued to acquire land as it was offered in this area. In the 1974 official plan the Council committed itself to an acquisition program so that by the end of the planning period "most of the land designated Conservation and Recreation will be in the ownership of the Regional or Area Municipalities". Staff always interpreted this to mean in 25-40 years public agencies would own more than 50% of the land. As a result of representations made to the Planning Committee on the 1977 staff report which raised the possibility of acquiring the Carp Hills and the Marlborough Forest, Amendment 12 included a policy of buying in specified areas at the request of the owner. The reason for this was there was a body of opinion which was content with the proposed policies and did not want to sell their land, while others had expressed the opinion that they did wish to sell.

The Main Concerns Raised by the OMB and the Implications for a Revised Amendment

In essence there were three matters before the OMB at the hearing in the Summer of 1982.

1. That areas designated Natural Environment Area were different from other areas and therefore different policies to other areas were appropriate.

2. That assuming 1) is accepted, what policies are appropriate for the areas defined.

3. Having regard to the policies defined in 2), is a requirement to acquire any of the land appropriate.

The OMB in its decision made no adverse comment on the position advanced by the Region that the areas, by virtue of their geology, topography, vegetation, wildlife, and scenery were different and therefore different policies to those applied to other areas were appropriate. This has always been the position of staff, it was the position of Council in 1974 and 1979 and it should be continued. It can therefore be concluded that the Board will support this position in its final decision.

However the OMB was unable to approve items 2 and 3 above without further clarification and modification.

In addition to the principles concerned with items 2 and 3 (discussed below) the OMB also had questions concerning inconsistencies in the text and points of questionable legality. These were generally introduced by amendment as the document proceeded through Planning Committee and Council. A further problem which both the OMB and the public appeared to have was that the amendment was complex and not easily understandable. This was mainly due to the changes introduced by staff, Committee and Council in the course of consideration and review prior to final adoption. In order to rectify those problems an entirely new amendment is proposed rather than modifications to the existing amendment. One major change in this amendment is to delete the management guidelines and associated maps, since the Board felt they were confusing.

With regard to item 2 above (the definition of appropriate policies for the areas) the Board was primarily concerned that the uses permitted did not permit "reasonable beneficial use".

The position of the Region as advanced at the hearing was that the permitted uses; building on lots of record, farming, forestry, recreational uses, conservation uses, scientific and educational uses and in some areas 25 acre division of land were "reasonable beneficial uses" having regard to the goals, objectives and principles in the approved official plan and the character and potential of the land. In its decision, the OMB implies that the uses permitted in some or all of the three different designations are not "reasonable". However, the Board does not indicate specifically what would be "reasonable". However, Counsel has advised that in his opinion the prohibition of opening unopened road allowances caused the Board the most concern.

Reference to the court cases and an OMB decision cited by the Board also does not enable a conclusive decision on the matter of "reasonableness" to be reached.

The case of Regina vs. Girvin dealt with a situation where a person acquired a property which at the time was capable of being used as a boarding house and which right the court concluded "can be taken away only by clear legislative enactment". Amendment 12 permits all existing uses to continue and hence staff believes Amendment 12 as written should not give the OMB concern.

The case of Coleman and McCallum concerned the question of the preciseness of definition in a by-law" ("apartment or tenement house" vs. a "lodging house") and concluded that if a by-law is to take away rights ordinarily incident to ownership without payment then its definitions must be interpreted very strictly.

This case would appear to refer to the Board's concern that the wording of the amendment must be precise and consistent throughout and that the management guidelines outside the plan should not modify uses permitted by the plan. Staff concurs with this point and it is hoped the revised amendment resolves this concern. In fact it is recommended the Code of Management Practice be repealed.

The case of the OMB decision on the City of Nepean's restricted area by-law (73/76) dealt with a situation where in the conservation zone uses were restricted to existing ones and building on lots of record was not permitted. Except on the landlocked parcels where new roads to permit building are not permitted by existing Amendment 12, this does not appear to be a parallel case.

From the above comments on the cases cited, and because the OMB did not direct a specific amendment, staff cannot be sure as to what will satisfy the OMB. However it appears that the Board believes that landowners should be provided with rights to use their propety over and above the continuation of its existing use and the erection of a house on a lot of record. The Board appears to suggest that such rights should apply to all the landowners regardless of the characteristics of the land. These rights would, in the Board's view, override the resource value of the Natural Environment Areas and hence in the Board's view it appears there is a difference between Natural Environment Areas and the Agricultural and Mineral Resource Areas, where the value of the resource is regarded as sufficient reason to override whatever development rights a landowner might otherwise possess in these areas. At the same time it cannot be concluded that the Board is saying that the Natural Environment Areas should be treated the same as Marginal Resource Areas where country lots of two to twenty five acres can be permitted wherever the land has some scenic attributes and water supply and waste disposal can be satisfactorily provided for.

Before proposing alternative policies to meet the OMB's concern for reasonableness, it is necessary to consider the Board's concerns regarding acquisition (item 3 above page 2). The Board's concern revolves around questions of the fairness of the procedure adopted by the Region of "willing buyer-willing seller" and the fact Council had acquisition policies outside the official plan which could potentially be altered without benefit of the protection offered by the Planning Act. In order to resolve those difficulties, it is proposed that the existing policies be withdrawn and new policies be included in the official plan. This requires a reassessment of the reasons for purchase.

An essential part of the Region's case at the OMB was that the uses permitted in Amendment 12 would ensure that the land would remain essentially in its natural state and that these uses were "reasonable" having regard to the characteristics of the land. As an entirely separate issue the Region had set up a program to acquire land in certain areas (not all areas) if land owners offered their land for sale to the Region. What the Board appears to be saying is that -

1. Uses permitted are not reasonable.
2. The acquisition policies are not equitable and if uses remain unchanged the Region should "aggressively" acquire areas so designated.

This links acquisition to the permitted uses which is completely contrary to Council's existing position. It is primarily for this reason that new policies are being proposed.

A Recommended Approach

To translate the above tentative and general conclusions into policies is difficult. In order to meet the Board's concern about providing "reasonable beneficial use" a widening of uses would appear to be required. This could be done in several ways. Furthermore concerns about drafting and inconsistencies would be reduced if the policies were simplified as far as possible. It is therefore suggested that the approach towards use should be one which;

- does away with the 3 classes of designation in favour of 1 class

- permits opening of existing municipal road allowances

- provides for limited land division i.e. large lot severances.

The effects of this policy was analyzed using an example 10 hectare lots. Approximately 800 new lots could be created, many of which would be in areas now designated Class 1 areas e.g. deeryards, waterfowl areas, climax forests. This would not result in the protection of these areas.

While it is unlikely that roads would be opened or many lots created all at once, roads will be extended bit by bit (whether paid for by the landowner or the municipality) and new lots created over many years. Since Natural Environment Areas, like Agricultural Resource Areas, represent a non-renewable resource a policy of long term rather than short term protection is required.

The conclusion drawn from the above is that long term protection can only be assured if the land is publicly acquired. This means that Council should consider a different approach to acquisition than has been followed up to now. To date the Natural Environment Areas have been protected by land designation. Acquisition, proceeding since the inception of the Region, has been at the request of the landowner so the Region could manage the land for forestry, wildlife, and recreation purposes. Acquisition has taken place only when the landowner approached the Region and this lack of aggressive action was criticized by the OMB as "unfortunate and perhaps unfair".

What is now being suggested is that the Region must acquire if it wishes to assure the areas' long term protection. All the areas identified in Amendment 12 are important to the Region for different reasons. Ideally all should be acquired. However Council may be unwilling to embark on such an ambitious program at this time. Each area is therefore discussed below with regard to priority for acquisition. Where acquisition is to be pursued, Amendment 12 should permit uses similar to those in the approved official plan. Since the Region is willing to acquire in order to protect the areas there is no reason to provide for division of land and the opening up of road allowances. However, in areas where there is to be no acquisition the recommended policies would permit road openings and the division of land into large lots. It is recommended that lots of 20 hectares or larger as determined by area municipalities be permitted in areas not to be acquired by the the Region. This will help provide a distinction between the Natural Environment Areas and the Marginal Resource Areas with their 0.8-10 hectare lot size range.

With regard to acquisition policies, it is believed that notwithstanding the Board's concern, an aggressive approach (ie. the Region expropriating all the land) will cause more problems than the current passive one. Landowners will be threatened or pressured and it is recommended that the policy continue to permit landowners to retain ownership to their property for as long as they wish. It is therefore suggested that the present policy of negotiating only when the landowner approaches the Region be continued but that the Region be prepared to have the Land Compensation Board arbitrate a price if the landowner is willing to sell after a 6 month negotiating period and if he owned the land on 28 Nov 1979 (date of adoption of Amendment 12). In addition it is suggested the Region give notice that it is prepared to acquire the affected lands.

The reason for acquisition would become one of buying land to protect it from development. There is therefore no necessity to acquire Hazard Land within a Natural Environment Area although if this falls within a larger area indentified for acquisition, the Region could negotiate if the land is offered. Also generally it may not be necessary to acquire that part of a property that may lie outside a Natural Environment Area as this is capable of use as provided by the designation in which it falls.

It is believed that this approach of identifying certain areas for acquisition and others where road opening and land division will be permitted will satisfy the OMB's key concerns for acquisition, provision for reasonable beneficial uses and the removal of uncertainty. A proposed Amendment 12 is attached as Annex A.

The Application of the Approach to Each of the Natural Environment Areas

The Carp Hills

The Carp Hills are the most dominant topographic feature in the region. Rising above the Carp Valley this rocky and wooded ridge is a very distinct element of the landscape as well as being home to deer and to waterfowl on the numerous ponds that dot its surface. It is an "island" of the Canadian Shield separated from the Laurentian Hills across the Ottawa River. It presents the wildest landscape in Ottawa-Carleton displaying throughout most of the area little evidence of recent impact by man.

The Carp Hills are crossed in the centre by a recently constructed road - the Thomas Dolan Parkway - which apart from providing direct access to previously landlocked parcels in the interior, also provides connection with unopened road allowances which run the length of the ridge. The protection of the Carp Hills will require these road allowances not to be opened and no development along the new road. In addition there is a 435 hectare land assembly in the centre of the Carp Hills with frontage on the recently constructed road which has been the subject of a Regional Official Plan amendment request for the construction of a 81 lot country lot subdivision.

The long term protection of the Carp Hills (which would require no opening of road allowances, and no development along the new road across the ridge) can, given the OMB's decision, only be guaranteed by a policy of land purchase. The Carp Hills should consequently be recognized as a priority acquisition area. (The Region has already bought land here and owns 445 hectares. The Carp Hills were identified as an acquisition area in Amendment 12).

The Environment Area Class 3 on the south-east should be redesignated to Agricultural Resource.

It deserves the highest priority rating as a natural area worthy of preservation in its entirety.

The Marlborough Forest

This area is the largest forested area in the region, contains its largest deer yard, important wet lands and other areas of forest and botanical interest.

Acquisition has been proceeding in this area since 1964 and today 42% is in public ownership, managed by the Ministry of Natural Resources, who have prepared a twenty year management plan. The furtherance of this management plan with its goals of recreation, forestry and wildlife management will be assisted if all the public land can be joined into a single block. On the other hand if 20 hectare severances and residential development is permitted on the private land this will not only prevent the consolidation of the public holdings but will introduce a use that may cause friction with some of the uses on the public land (e.g. wildlife management and recreation). The Marlborough Forest should be recognized as a priority acquisition area.

In the acquisition policy which accompanied Amendment 12 the Council committed itself to acquire an area smaller than the area designated. It is recommended that this policy be dropped in favour of one which would result in the whole area being acquired.

However the Environmental Area Class 3 (the buffer) at the north end of the Forest should be redesignated to Hazard Land and Marginal Resource since Class 3 areas are being proposed for deletion. It is recommended that all of the north-west deer yard be within a Natural Environment designation which would thereby extend west of the Dwyer Hill Road.

The South March Highlands

From a physical standpoint the South March Highlands are similar to the Carp Hills. However the recent OMB decision approving Amendment 24 to the Regional Official Plan has reduced the size of this area by 30%. This raises the question of whether the rest of the area can be protected. The area has varied topography a variety of climax forests and other mature trees, wildlife and deer. An additional factor to be considered is the proximity to the urban part of Kanata. This area is likely to experience great pressure for development. It is an important regional natural environmental resource and therefore should be acquired. It was identified as an acquisition area in Amendment 12 but the Region has acquired no land here to date.

However Council should be aware that because of its location land is likely to be more expensive in this area and if negotiations and hearings are protracted costs to the vendors may be high. However because of its importance it ranks above the areas noted below.

Constance Creek - Shirley's Bay

This is a well defined area consisting of a band of lowland which was once a channel of the Ottawa River. Its main features are Constance Lake with its outflowing creek which harbours waterfowl; Shirley's Bay, noted as a stopping place for migrating birds; and, between the two, the Mud Pond area with its adjacent deer herd.

Much of the Constance Creek - Shirley's Bay area is, for various reasons, protected from development. All of Shirley's Bay is a game preserve and is owned by the federal government. Constance Lake and Creek is either open water or marsh and unsuitable for development. The only sizeable block of land where development could occur is between the north end of Constance Lake and the federal land south of Riddell Drive.

This area is crossed in the middle by River Road and this, plus the north side of Riddell Drive and a road leading to the east shore of Constance Lake provide access off which development could occur. Because of the deer herd in this area it is particularly desirable that there be no development in this area.

In summary the nature of the land and land ownership will protect much of what is most significant about the Constance Creek - Shirley's Bay system. There is however a sizeable block of land which if developed would cut the area in two. In order to prevent this the land east of Constance Lake and between the north end of the Lake and Riddell Drive should be acquired. The rest of the land physically capable of development occurs on the west side of Constance Lake and on both sides of Constance Creek. It is recommended that this land be eligible for development according to the policies detailed in the proposed amendment.

This area would rank in priority after the above 3 areas along with others noted below.

The Pinery - Long Swamp

This area has two distinct components. The Long Swamp forms the headwaters of Cody Creek. It is almost entirely Hazard Land and hence not capable of development. The Pinery deer yard is higher land above the swamp and much of it is dry although there are pockets of organic soil. It is bisected by an unopened road allowance which if ever opened would permit development in the core of the deer yard. The protection of this Natural Environment Area in its entirety can be guaranteed providing the Pinery is acquired. The Region owns 166 hectares in the Pinery - Long Swamp, most of which was identified as an acquisition area in Amendment 12. In priority this area ranks from a regional perspective below the first three areas identified.

The Environmental Area Class 3 adjacent to the Pinery should be redesignated to Hazard Land and Marginal Resource.

The South Gloucester Area

Staff had recommended this for designation as a Natural Environment Area but the designation was changed to Special Study Area by Executive Committee in the course of adoption of Amendment 12. Staff undertook further investigation and in March 1982 submitted a report recommending the designation be changed to "Natural Environment". Planning Committee deferred this report because planning was underway by the City of Gloucester for the South Gloucester area. At issue is the boundary between the village of South Gloucester and the Natural Environment Area and this cannot be determined at this time because the village plan is still in preparation. Villages are shown symbolically in the Regional Official Plan and the boundary of this area can be verified when Gloucester submits an official plan for South Gloucester village to the Region for approval.

It is recommended that this area be designated as a Natural Environment Area and acquired. However, because the area is relatively small, the priority for acquisition is judged to be lower from a regional perspective than the first three areas identified for acquisition.

The Burnt Lands

The part of this area north of Highway 44 is owned by the federal government and 200 acres on the south side of the Highway is owned by the Province. Together this amounts to almost half of the area. In addition the conservation significance of this area - the vegetation growing in the shallow soil on the limestone bedrock - is unlikely to be completely destroyed if large lot residential development were permitted. Furthermore the area is relatively small. For these reasons it is judged that the Burnt Lands is of lower priority for acquisition from a regional perspective than the first three areas identified.

The West Carleton Township Forest

This land is owned by the Township of West Carleton and it is expected that it will remain in public ownership in perpetuity. It is therefore not an area requiring acquisition by the Region, unless the Township wishes to dispose of it.

The Corkery Woodlands

This swampy area forms the headquarters of a tributary of the Carp River and is almost entirely Hazard Land. Acquisition is not needed to protect this area, unless proposals are made to drain the swamp or extract peat from it. Furthermore the area is relatively small.

The part of this area in Concession VII separated from the rest of the area by a township road and where the Almonte dump is located should be redesignated to Hazard Land and Marginal Resource.

Bradley's Falls

They are owned by Mitel Corporation. The Region has signed an agreement with Mitel permitting public access to the falls at specified times once Mitel has developed their proposed training/meeting centre on the site. No acquisition is needed to protect this area.

Nepean Woodlot

This 33 hectare climax woodland is part of a larger parcel which is intended to be developed as part of the South Urban Community. Staff of the City of Nepean have indicated the intention of securing this area as "5%" lands or through some other means when the South Urban Community develops. This area does not require acquisition by the Region.

The Winchester Deer Yard

The bulk of this area is organic soil and therefore since development is not permitted the area need not be acquired to be protected.

The Environmental Area Class 3 on the west would be redesignated to Marginal Resource under this proposal.

The Mer Bleue

Some of this bog is owned by the National Capital Commission and the remainder is designated Hazard Land in existing Amendment 12 meaning that acquisition is not needed to prevent development

It is recommended that the Natural Environment designation apply to the whole bog and that the designation therefore be extended to be coterminous with the Hazard Land.

The Stony Swamp Buffer

This triangular piece of land between Bridlewood in the West Urban Community and Stony Swamp in the greenbelt was designated a Special Study Area in Amendment 12. The intent is to protect Stony Swamp, an area managed for its conservation and wildlife value, from the effects of future urban development. The main concern is the impact of stormwater drainage on the swamp. The location of an appropriate limit to urban development is therefore related to the drainage flows and is very much an engineering matter including considerations of whether remedial measures may be feasible. Because of this it is not practicable to determine a specific boundary at the level of detail of the Regional Official Plan. It is preferable that the line be settled within the context of the secondary plan for Bridlewood which the City of Kanata is in process of preparing. It is therefore recommended that a buffer area not be designated in the Regional Official Plan on the understanding that the question of providing the needed protection to Stony Swamp be considered within the context of the secondary plan for Bridlewood and the subsequent subdivisions. The Regional position will be that no storm drainage from urban development in this area should drain into Stony Swamp.

Subsequent Procedures

Finally there is the question of the procedure for handling this amendment. The amendment was the subject of public consultation and hearings before the Planning Committee prior to its adoption by Council. It was the subject of a hearing before the Ontario Municipal Board and the Council is now subject to the Board's direction as to how they should deal with the matter. The decision states that "The Board expects close consultation between the Region and Rideau (Township) as well as other area municipalities".

The Board made no direction as to additional public input and bearing in mind the Council is now implementing a decision of the Board, it may not be in order to seek public input outside that directed by the Board. If the Council wished to do that a possible way of proceding might be to repeal Amendment 12 and begin the process 'de novo'. However in view of the Board's deadline of 1 May 83 for the resubmission of an amendment this is not practicable. The Board clearly expects the Council to deal with this matter quickly. In order to meet the Board's direction it is therefore suggested that this report be forwarded to area municipalities advising them that the Planning Committee will hear any views they may wish to present to the Committee at a special meeting to be held at 2 pm either on 1 Mar 83 or 15 Mar 83 and at which time the Committee will consider the amendment and make its recommendation to Council.

RECOMMENDATIONS

In order to meet the OMB's concerns it is recommended that:

1. Amendment 12 be modified so that two designations be established;

   a) areas to be acquired, where policies would be similar to those in the 1974 Official Plan e.g. permit one house on an existing lot, farming, forestry etc.

   b) areas not to be acquired, where policies would permit a wider range of uses including; 20 ha severances for non farm residential use and permission to open existing municipal road allowances

2. all areas designated in Amendment 12 be subject to policy 1a) except major areas of hazard land e.g. Mer Bleue, Corkery Swamp;

3. the existing acquisition and management policies including the Code of Management Practice be repealed;

4. the acquisition policy include a provision that owners who owned land on 28 Nov 79 may ask the Land Compensation Board to arbitrate market value;

5. if the Council determines this acquisition program is not compatible with the program already contemplated the areas to be acquired be subject to the following priority.

   1. Carp Hills
   2. Marlborough Forest
   3. South March Highlands
   4. Pinery, part of Constance Creek, South Gloucester and the Burnt Lands.

6. area municipalities be invited to a hearing of the Committee to comment on the proposed amendment.

J.M. Wright
Planning Commissioner

ANNEX A

The Amendment

1. Section 5.3 be replaced by a new section as follows:

"5.3 NATURAL ENVIRONMENT AREAS

5.3.1 Introduction

Ottawa-Carleton contains a range of vegetation, topographic, wildlife and geological characteristics within its boundaries with these features often occupying the same geographical area or being contiguous with one another. The objectives for maintaining such features or areas, not all necessarily applying in all cases, are:

- to preserve areas for wildlife;
- to preserve areas of scientific or educational value;
- to preserve areas of botanical interest;
- to preserve areas of scenic value;
- to set aside land for forestry purposes; and
- to preserve water supplies and wetlands.

The Natural Environment Areas identified on Schedules A and B are not necessarily all those that should be protected, but they are the most important ones within the planning area. Area municipalities may make designations of additional areas of local significance in their official plans.

In identifying those areas designated on Schedules A and B as Natural Environment, the Region commissioned two major studies[1] and in addition utilized advice from several other sources - notably that from the Conservation Authorities, the Ministry of Natural Resources and the Ottawa Field Naturalists' Club.

The designation of an area on Schedule A or B as Natural Environment Area does not preclude uses and activities now located in these areas on the date of the adoption of Amendment 12 from continuing.

The designation of land as a Natural Environment Area is intended to protect the area and does not mean the land is available for public use. Use by the public is only permitted where land is publicly acquired. Such land will be the subject of management plans which will set out what types of activities will be provided for. Management plans will be prepared with consideration for the interests of private owners of adjacent lands. Where land is not publicly acquired, permission for access is at the discretion of the owner. The use of land in the Natural Environment Areas will be governed by the policies established in Section 5.3.6

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[1]Reed, Dr. Robert M., An Ecological Study of Conservation-Recreation Areas in the Regional Municipality of Ottawa-Carleton (2 reports) University of Ottawa 1975 and 1976.

5.3.2 Land Acquisition

In order to achieve the objectives for the Natural Environment Areas as stated in Section 5.3.1 selective land acquisition will be required. In determining which areas should be acquired, various factors need to be considered although not all apply to each area. These factors are: the presence of Environmental Constraint Areas (i.e. organic soils) in that these are unsuitable for development and are protected by policies in Section 5.6.2; existing roads and unopened road allowances in that these increase the possibilities for development; the amount of land already in public ownership; whether the area is small enough that it could be secured as open space at the time of a development proposal; and the degree to which the features of an area would be adversely affected by development.

Certain areas are already entirely in public ownership (i.e. the West Carleton Township Forest and land in the Greenbelt, including the Department of National Defence land at Shirley's Bay) and it is expected that they will so remain. If a proposal to dispose of land in these areas was made Council will consider at that time whether to acquire the land.

The areas recommended for purchase are shown on Schedules A and B and the policies for acquisition are set out in Section 5.3.6

5.3.3 Different Types of Designations

In order to distinguish between those Natural Environment Areas where public land acquisition will be pursued and those where it will not, different designations are applied to Schedules A and B. The areas are called Natural Environment Areas (Acquisition) or Natural Environment Areas (Non Acquisition). Parts of the land designated Natural Environment are subject to certain environmental constraints. These areas are shown on Schedules A and B. In these areas Environmental Constraint policies in Section 5.6.2 also apply.

5.3.4 Public Works

Council recognizes that some public works may have an adverse impact on natural environment areas either from the construction of the works or from their subsequent use. At the same time it recognizes that some public works may be required in order to ensure proper management of these areas. Council's intent is to prohibit the former and to permit the latter.

Under the Planning Act, public works may be controlled through an official plan if they fall within the jurisdiction of a council or a local board. Such public works are the subject of policies in Section 5.3.6.

For public works not controlled by this official plan Council intends to have regard for the objectives for the Natural Environment Areas as set out in Section 5.3.1 when providing comments on the work proposed.

5.3.5 Geomorphic, Geological and Landscape Features

In addition to the Natural Environment Areas there are throughout the planning area other types of natural feature which warrant special consideration.

In 1975 the Regional Municipality and the Ministry of Natural Resources undertook a survey of the planning area to identify geomorphic and geological features whose preservation is desirable. These are shown on Schedules A and B. The objective is that sufficient of each feature should be preserved so that its characteristics can still be observed.

Other features which are valuable elements of the landscape should be protected. These may, for example, be points from which excellent views of the surrounding countryside can be obtained or conversely be themselves significant visual components of the rural scene. Excellent examples in this latter regard are the several escarpments in the Orleans and Cumberland area. In order that the landscape value of these escarpments is not impaired, two concerns are paramount - to keep the scarp face free from development, including quarrying, and to ensure that any development above the escarpment is set back so as not to be visible from below. It is intended that protection be appropriate to the different characteristics of each situation. The question of landscape protection in general is discussed in Section 5.6.3.

5.3.6 Policies

Council therefore:

1. designates the areas shown on Schedules A and B according to the following categories:

   . Natural Environment Area (Acquisition),

   . Natural Environment Area (Non Acquisition),

2. intends that in Natural Environment Areas (Acquisition) the following will be permitted:

   a. one house on each lot existing and fronting on a public road open and maintained year round on 28 Nov 1979,

   b. farming, including the residential accommodation requirements of the farming activity,

   c. forestry,

   d. recreational uses which do not require any significant alteration to the natural characteristics of the environment,

   e. uses that will assist in conserving or managing water supplies, wildlife or other natural characteristics,

   f. uses which will utilize the natural characteristics of these areas for scientific or educational purposes,

3. intends that in Natural Environment Areas (Acquisition):

   a. to acquire all land progressively the timing of acquisition being at the discretion of the owner,

   b. to have the purchase price arbitrated by the Land Compensation Board if a negotiated settlement cannot be reached,

   c. generally not to acquire improvements. Generally improvements will be severed at the time of purchase with the size of the improved parcel satisfying the requirements of the appropriate restricted area by-law,

4. intends that in Natural Environment Areas (Non Acquisition) the following will be permitted:

   a. uses listed in policies 2a to 2f.

   b. limited non farm residential development fronting on either a public road open and maintained year round on 28 Nov 79 or on a municipal road allowance existing on 28 Nov 79 and subsequently opened, providing the average size of the lots shall not be less than 20 hectares calculated according to the size of the parent parcel existing on the date of adoption of this policy.

5. intends that where Environmental Constraint Areas occur within Natural Environment Areas the policies of Section 5.6.2 shall apply also.

6. intends that, except for roads that may be constructed as permitted by policy 4b, any public work (as defined by the Planning Act) within the Natural Environment Areas shall not be constructed until it has been the subject of an environmental impact study undertaken jointly by the proponent and the Council to determine the environmental impacts of the proposal and to recommend whether the project should be undertaken, and if so, under what conditions.

7. intends that for public works not within the purview of the Planning Act to have regard for the objectives for the Natural Environment Areas as set out in Section 5.3.1 when providing comments on the work proposed.

8. intends that when approving or considering local official plans, plans of subdivision, severances, restricted area by-laws and site plans or amendments to one or more of them, will in addition to the above policies, have regard for the objectives for geomorphic, geological and landscape features as stated in Section 5.3.5.

2. Section 6.5.5 be amended by deleting the second sentence of the second paragraph beginning with the words "Council has already embarked ..." and ending with the words "... Regional or Area Municipalities" and substituting therein the following sentence:

   "Council has already embarked on a program of land purchase in the Natural Environment Areas (Acquisition) and intends to expand the program as described in Section 5.3.6."